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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

ANIK A OKJE ERDMANN-BROWNING  
and JACQUELINE BENITEZ, individually  
and on behalf of all others similarly situated,

Plaintiffs,

v.

THOMAS J. VILSACK, Secretary of the  
United States Department of Agriculture, in  
his official capacity; SHALANDA YOUNG,  
Director of the United States Office of  
Management and Budget, in her official  
capacity.

Defendants.

Case No. 3:23-cv-04678-JST

CLASS ACTION

**DECLARATION OF LINDSAY NAKO  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR CLASS  
CERTIFICATION AND  
APPOINTMENT OF CLASS COUNSEL**

Hearing Date: March 14, 2024

Time: 2:00 p.m.

Action filed: September 12, 2023

**DECLARATION OF LINDSAY NAKO**

I, Lindsay Nako, declare:

1. I am the Director of Litigation and Training for the Impact Fund and counsel for Plaintiffs.<sup>1</sup> I am a member in good standing of the State Bar of California and the Northern District of California, among other courts.

2. This Declaration is submitted in support of Plaintiffs' Motion for Class Certification and Appointment of Class Counsel. I have personal knowledge of the facts contained in this declaration and, if called as a witness, am competent to testify to those facts.

**Impact Fund Expertise**

3. The Impact Fund was founded in 1992. The organization's mission includes providing advice, counseling, and training in class action and complex litigation for social justice litigators. The organization maintains an active class action litigation docket, has authored dozens of amicus briefs in class action cases, and has participated in multiple hearings of the federal Advisory Committee on Civil Rules regarding the Federal Rules of Civil Procedure, particularly Rule 23. The Impact Fund's class action cases include *U.S. ex rel. Terry v. Wasatch Advantage Group, LLC*, No. 2:15-cv-00799-KJM-DB, 2022 WL 17178388 (E.D. Cal. Nov. 23, 2022), *Ellis v. Costco Wholesale Inc.*, 657 F.3d 970 (9th Cir. 2011), *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338 (2011), and *Parra v. Bashas', Inc.*, 536 F.3d 975 (9th Cir. 2008). In addition, the Impact Fund recently co-counseled with the Western Center on Law and Poverty in *Hall v. United States Department of Agriculture*, 984 F.3d 825 (9th Cir. 2020), a proposed class action challenging a USDA decision to deny emergency pandemic food benefits to the neediest SNAP recipients in California. The litigation resulted in a settlement that rescinded the challenged policy in California, replacing it with a new policy that increased issuances to class members by billions of dollars over a two-year period.

4. For the past 22 years, the Impact Fund has organized an annual Class Action Conference, attended by over 250 plaintiffs' class action practitioners to discuss case law and

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<sup>1</sup> On March 4, 2024, my position will change to Executive Director of the Impact Fund.

strategy. The Impact Fund also hosts an annual three-day Class Action Training Institute, which uses a hypothetical case file to teach class action strategy and practice to a group of twenty lawyers. The Institute, the only program of its kind, is ordinarily held twice annually: once in the Bay Area and once in Los Angeles.

### Qualifications of Impact Fund Attorneys

5. **Lindsay Nako** – I have practiced law in California for 19 years, primarily focused on plaintiff-side class action litigation. I have been appointed class counsel in multiple civil rights class actions, including *Ellis v. Costco Wholesale Inc.*, 657 F.3d 970 (9th Cir. 2011), *Akaosugi v. Benihana National Corp.*, 282 F.R.D. 241 (N.D. Cal. 2012), and *U.S. ex rel. Terry v. Wasatch Advantage Group, LLC*, No. 2:15-cv-00799-KJM-DB, 2022 WL 17178388 (E.D. Cal. Nov. 23, 2022). Before joining the Impact Fund in 2015, I was a shareholder at the Oakland-based law firm Lewis, Feinberg, Lee & Jackson, P.C., where I litigated extensively in the areas of employment discrimination and employee benefits, representing both individuals and classes of employees. I was named a “Top Woman Attorney in Northern California” and “Northern California Rising Star” by Super Lawyers Magazine and San Francisco Magazine each year from 2009 until leaving private practice in 2015. I received the East Bay Community Law Center’s annual Attorney Award in 2012 and was part of the team recognized with the Bay Area Lawyers for Individual Freedom’s Legal Service Award in 2021. I served as a Lawyer Representative for this District and the Ninth Circuit from 2017 to 2019, sit on the Executive Committee of the Federal Bar Association’s Northern District chapter, and volunteer as a mediator with the Alternative Dispute Resolution Program for the Northern District of California.

6. **Lori Rifkin** – Lori Rifkin has practiced civil rights law for 20 years. She has served as class counsel or co-counsel in numerous federal civil rights class actions, including *Coleman v. Brown*, E.D. Cal. Case No. 2:90-cv-520-KJM-DAD, *Valdivia v. Schwarzenegger*, E.D. Cal. Case No. Civ. S:94-cv-671 LKK/GGH, *Dragovich v. U.S. Dept. of Treasury*, N.D. Cal. Case No. C 10-01564 CW, and *Havard v. Inch*, N.D. Fl. Case No. 4:19-cv-00212-MW-MAF. She recently joined the Impact Fund to take the position of Litigation Director as I transition to

Executive Director. Prior to the Impact Fund, Ms. Rifkin founded and ran Rifkin Law Office, a civil rights law firm based in Oakland, California. Ms. Rifkin's previous positions also include partner of the civil rights firm Hadsell Stormer Renick & Dai LLP; senior trial attorney in the Civil Rights Division of the U.S. Department of Justice; associate at the civil rights firm Rosen, Bien, Galvan & Grunfeld; and staff attorney at the American Civil Liberty Unions of Southern California and Connecticut. Ms. Rifkin has been recognized as a "Northern California Super Lawyer" every year since 2016, and a "Rising Star" in 2014 and 2015. She was also named to the National Trial Lawyers Top 40 Under 40 list in 2017, and subsequently to the National Trial Lawyers Top 100 List. She graduated from New York University School of Law in 2004. Ms. Rifkin is a member in good standing of the State Bar of California and the Northern District of California, as well as other courts.

7. **Fawn Rajbhandari-Korr** – Fawn Rajbhandari-Korr graduated from the University of Hawai'i at Manoa, William S. Richardson School of Law, in 2012 and is admitted to practice law in California and before this Court. Ms. Korr serves as the Impact Fund's Senior Counsel and Training Director. Before joining the Impact Fund, Ms. Korr worked as Senior Litigation Counsel at Bay Area Legal Aid, managing impact litigation cases and appeals in a broad range of practices areas including civil rights. She served as law clerk to the Honorable Michael D. Wilson of the Hawai'i State Judiciary.

8. **Meredith Dixon** – Meredith Dixon graduated from the U.C. Berkeley School of Law in 2022 and is admitted to practice law in California and before this Court. Ms. Dixon is the Impact Fund Law Fellow with a focus on issues related to public benefits. She served as a judicial extern in the chambers of the Honorable Joseph C. Spero and the Honorable Jon S. Tigar of the Northern District of California.

#### **Investigation of Litigation and Commitment of Resources**

9. Impact Fund attorneys have worked diligently with their counterparts at Western Center on Law and Poverty to investigate legal issues relating to the impending government shutdown and its effect on the Supplemental Nutrition Assistance Program administered by the U.S. Department of Agriculture.

